IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 407/2005
(Rameshwar Lal Vs. State of Rajasthan)

Date of Order : 18/07/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. D.L.R.Vyas for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has assailed the order dated 17.9.2004 passed by Additional Sessions Judge, Parbatsar (for short 'the revisional court' hereinafter) in Criminal Revision No.42/99 whereby the revision petition filed by the petitioner against the order dated 13.5.1999 passed by Additional Chief Judicial Magistrate, Parbatsar (for short 'the trial court' hereinafter) was dismissed.

I have heard learned counsel for the petitioner and public prosecutor.

Learned counsel for the petitioner has relied on a decision of Hon'ble Supreme Court in Maratt Rubber Ltd. Vs. J.K.Markettukalm 2000 (9) SCC 547 wherein Hon'ble Supreme Court held that mere pendency of a civil suit would not be a bar to institute or proceed with a criminal complaint.

The revisional court dismissed the revision petition of the petitioner only on the ground that a suit is pending between the parties. Keeping in view, the decision of Hon'ble Supreme Court referred herein above, the order of the revisional court cannot sustain and is liable to be set aside and the matter deserves to be remanded to the revisional court.

Consequently, the misc. petition is allowed. The order impugned dated 17.9.2004 passed by the revisional court is set aside and the matter is remanded to the revisional court to decide the revision petition afresh in accordance with law.

(H.R.PANWAR),J.

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